

IN THE CHANCERY COURT
FOR WASHINGTON COUNTY, TENNESSEE
AT JONESBOROUGH

BOBBY MacBRYAN GREEN, §
§
PLAINTIFF / APPELLANT, §
§
v. §
§
JODI JONES, §
HOWELL SHERROD, §
BETTY ANN POLAHA, and §
MARY LEE JONDAHL, §
§
DEFENDANTS / APPELLEES. §

Civil Action No. 41049

DECLARATION OF ISSUES

NOW COMES the appellant, Bobby MacBryan Green, as required by Rule 24, Tennessee Rules of Appellate Procedure, and declares his intention to raise issues on appeal generally consistent with the following :

* * * * *

Appellant will ask whether the trial court erred :

1. by incorporating surprise declaratory and injunctive relief in favor of the defendants/appellees into an order of dismissal.
2. by incorporating material extrinsic to the record and to the file into its mandatory injunction directed against the plaintiff/appellant.
3. by entering the *Final Decree* in the absence of either a verbatim transcript or filed documents sufficient to assure an appellate court of the propriety of that *Final Decree*, and

without allowing the plaintiff the 10 days prescribed by Local Rule 6.01.C for submission of an alternative order.

4. by dismissing the action rather than permitting the appellant to initiate proceedings for summary judgment pursuant to Rule 12.02, Tennessee Rules of Civil Procedure, after the court considered the *Answer* and *Affidavits* of the defendants.

5. by failing to recognize that the plaintiff set forth a valid cause of action at least insofar as a mutually reciprocal contract is created by the *Bylaws*' prerequisite that each member sign a pledge to support those *Bylaws*, which explicitly incorporate Robert's Rules of Order which guarantee both due process and the plaintiff's term of office.

6. by declaring that the plaintiff/appellant's *Motion for Temporary Injunction* had been "properly denied" in the absence of any order setting forth the findings of fact and conclusions of law required by Rule 65.04(6) and Rule 52.01, TN.R.Civ.P.

7. at the hearing on the plaintiff's *Motion to Alter or Amend* by refusing to enforce Local Rule 5.01.B, which provides that a motion will be heard unopposed where no response in opposition has been filed.

8. by reaffirming the *Final Decree*.

* * * * *

Respectfully submitted,

Bobby MacBryan Green
Plaintiff/Petitioner/Appellant
404 Holly Street
Johnson City, TN 37604-7312
423.928.1219

An *AFFIDAVIT AND CERTIFICATE OF SERVICE* is attached to the *NOTICE OF APPEAL*.

